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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
OSSAMA ABDELLATIF, M.D.,	:	LS0904201MED
also known as OSSAMA HASSAN,	:	
RESPONDENT.	:	

Division of Enforcement Case No. 06 MED 097

The State of Wisconsin, Medical Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Medical Examining Board.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 16th day of September, 2009.

Gene Musser MD
Member
Medical Examining Board



**Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of the Disciplinary Proceedings Against
OSSAMA ABDELLATIF, M.D., also known as
OSSAMA HASSAN, Respondent

PROPOSED DECISION AND ORDER
Case No. LS0904201MED

Division of Enforcement Case No. 06 MED 097

The parties to this proceeding for purposes of Wis. Stat § 227.53 are:

Ossama Abdellatif
3853 North Hamlin Avenue
Chicago, IL 60618

Medical Examining Board
P. O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing (Department)
Division of Enforcement
P. O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The Complaint in this matter was filed on April 20, 2009. On the same date, the Complaint and Notice of Hearing were sent to the respondent at his address of record with the Department, 3853 North Hamlin Avenue, Chicago, IL 60618. The two documents were sent to respondent by first class and certified mail. (Johnson Aff.) The Notice of Hearing stated respondent was required to file an Answer to the Complaint within 20 days, failing which “you will be found to be in default and a default judgment may be entered against you on the basis of the Complaint and other evidence and the Department may take disciplinary action against you and impose the costs of the investigation, prosecution and decision of this matter upon you without further notice or hearing.”

Both copies of the Complaint and Notice of Hearing that were mailed to respondent were returned to the Department bearing a U.S. Postal Service sticker with the words “attempted – not known.” (Johnson Aff.)

No answer has been filed by Dr. Abdellatif.

On June 22, 2009, the Division of Enforcement mailed to respondent by regular mail at his address of record with the Department its Notice of Motion and Motion for Default and supporting documents. These documents were also returned as undeliverable. (Statement of counsel at July 14, 2009, hearing)

On June 16, 2009, the undersigned issued a Prehearing Conference Memorandum, Notice of Hearing on Complainant's Motion for Default, and Scheduling Order, which set July 14, 2009, as the date for the hearing on the Division's Motion for Default. These documents were also returned as undeliverable.

The hearing in this matter was held as scheduled on July 14, 2009. Dr. Abdellatif did not attend the hearing or otherwise respond to Complainant's Motion for Default.

FINDINGS OF FACT

1. Respondent Ossama Abdellatif, M.D., was born on May 1, 1968, and was licensed to practice medicine and surgery in the state of Wisconsin pursuant to license number 48168-20, first granted on May 25, 2005. Respondent is an anesthesiologist.
2. Respondent's most recent address of record with the Wisconsin Medical Examining Board is 3853 North Hamlin Avenue, Chicago, Illinois 60618.
3. Patient C.P. is a male born on December 20, 1930.
4. On October 6, 2005, respondent performed a series of injections into the lumbar region of Patient C.P.'s back, in a therapeutic trial for pain control.
5. Respondent signed his note of the procedure as "Ossama F. Hassan, M.D."
6. An interview by an investigator of the Division of Enforcement with staff at Anesthesia Services of the Fox Valley disclosed that respondent went by the name Ossama Hassan.
7. No license to practice medicine and surgery in the State of Wisconsin has been granted to any person under the name Ossama Hassan.
8. On May 15, 2006, the Medical Examining Board opened an investigation into the care respondent provided to Patient C.P., and into respondent's practice of medicine under the name Ossama F. Hassan, M.D.
9. An investigator for the Division of Enforcement wrote to respondent, informing him of the investigation, requesting a response to the allegations made by Patient C.P., and details related to his practice under a name other than the name on his license. The letter was sent by first class U.S. Mail, and not returned.
10. Respondent failed to respond to multiple letters from the Division of Enforcement to his address of record with the Medical Examining Board, or to a letter sent to an address provided by the U.S. Postal Service as a forwarding address for respondent.
11. At the hearing in this matter, counsel for the Division of Enforcement advised that the Division's enforcement costs totaled \$3,143 as of the close of business on July 13, 2009.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3).
2. Wisconsin Administrative Code § RL 2.08(1) provides in relevant part that "[t]he complaint, notice of hearing, all orders and other papers required to be served on a respondent may be served by mailing a copy of the paper to the respondent at the last known address of the respondent" and that "[s]ervice by mail is complete upon mailing." Because the Complaint, Notice of Hearing, Notice of Motion, Motion for Default, and supporting documents, as well as the June 16, 2009, Prehearing Conference Memorandum, Notice of Hearing on Complainant's Motion for Default, and Scheduling Order, were mailed to Dr. Abdellatif at his last known address, respondent was duly served pursuant to Wis. Admin. Code § RL 2.08.
3. Dr. Abdellatif has defaulted in this proceeding pursuant Wis. Admin. Code § RL 2.14.
4. Paragraphs 1-10 of the Findings of Fact are set out in the Complaint and established pursuant to Wis. Admin.

5. Wisconsin Administrative Code § MED 10.02(2)(zc) defines unprofessional conduct to include:

After a request by the board, failing to cooperate in a timely manner with the board's investigation of a complaint filed against the credential holder. There is a rebuttable presumption that a credential holder who takes longer than 30 days to respond to a request of the board has not acted in a timely manner.

6. Respondent's failure to respond to inquiries about his practice from the Division of Enforcement in furtherance of an investigation for the Medical Examining Board constitutes unprofessional conduct in violation of Wis. Admin. Code § MED 10.02(2)(zc).

7. Wisconsin Administrative Code § MED 10.02(2)(f) defines unprofessional conduct to include:

Engaging or attempting to engage in practice under any license under any given name or surname other than that under which originally licensed or registered to practice in this or any other state. This subsection does not apply to change of name resulting from marriage, divorce, or order by a court of record.

8. Respondent's practice of medicine under a name other than the name under which he was licensed to practice constitutes unprofessional conduct in violation of Wis. Admin. Code § MED 10.02(2)(f).

9. An indefinite suspension of respondent's license to practice medicine constitutes appropriate discipline in this case.

10. Under Wis. Stat. § 440.22, when discipline is imposed on a credential-holder, the Board has the authority to impose all or part of the costs of a proceeding on the credential-holder. The imposition of costs equal to the Division of Enforcement's costs of investigation and prosecution as of July 13, 2009, is appropriate in this case.

DISCUSSION

The suspension of Dr. Abdellatif's license balances the state's interest in the protection of the public and in the prevention of unprofessional conduct on the part of state-licensed physicians against respondent's interest in not having his right to practice revoked, where the reasons for his conduct, including his use of a name other than the one under which he is licensed, are largely unknown.

Under Wis. Stat. § 440.22 when discipline is imposed on a credential-holder, the Board has the authority to impose all or part of the costs of a proceeding on the credential-holder. The Board is directed to exercise discretion in its imposition of costs by considering certain factors, including the number of counts charged, contested, and proven; the nature of the misconduct; the level of discipline; the respondent's cooperation with the disciplinary process; prior discipline; and other relevant circumstances. In this case, Dr. Abdellatif's failure to respond to the Division of Enforcement's attempts to investigate his conduct has not only prevented the effective investigation of his conduct but has required the state to incur additional costs of investigation and prosecution. This decision concurs in the Division of Enforcement's recommendation that respondent be assessed the full amount of the Division's recoverable costs as of July 13, 2009. It is further recommended that the Board not assess the relatively small hearing examiner costs, given the possible difficulties in obtaining a cost affidavit from the undersigned after he leaves his employment with the Division of Hearings and Appeals.

ORDER

For the reasons set forth above, IT IS ORDERED that the license of Respondent Ossama Abdellatif, M.D., also known as Ossama Hassan, to practice medicine in the State of Wisconsin be and is hereby **SUSPENDED** for an indefinite period.

Respondent may petition the Board for modification of the terms of this Order or termination. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

IT IS FURTHER ORDERED that Respondent shall, within ninety (90) days of the date the Board issues the Final Decision and Order in this matter, pay recoverable costs in the amount of THREE THOUSAND, ONE HUNDRED FORTY-THREE DOLLARS (\$3,143.00). Payment shall be made by certified check or money order, payable to the

Wisconsin Department of Regulation and Licensing and sent to:

**Department Monitor
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264**

IT IS FURTHER ORDERED that file 06 MED 097, be and hereby is closed as to Respondent Ossama Abdellatif, M.D.

Dated at Madison, Wisconsin on July 20, 2009.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: _____
Peter C. Anderson
Administrative Law Judge